

THE UNITED STATES DISTRICT COURT
THE DISTRICT OF COLUMBIA

THE ESTATE OF ESTHER KLIEMAN, et al.,)

)

Plaintiff,)

)

vs.)

Case No.

) 04-1173 (PLF) (JMF)

)

THE PALESTINIAN AUTHORITY, et al.,)

)

Defendants.)

)

DEPOSITION OF

HASAN ABU-LIBDEH

East Jerusalem, Israel

June 16, 2010

REPORTED BY: AMY R. KATZ, RPR

1 (The following proceedings were conducted
2 through the Arabic interpreter, until otherwise
3 indicated.)
4

5 EXAMINATION

6 BY MR. HEIDEMAN:

7 Q. Would you state your name, please, sir?

8 A. Hasan Abu-Libdeh.

9 Q. Thank you.

10 Would you spell that, please, for the court
11 reporter?

12 A. (In English.) H-A-S-A-N, A-B-U,
13 L-I-B-D-E-H.

14 MR. O'TOOLE: I thought there was some
15 agreement as to the procedures, that there would be
16 translation and that he would answer in Arabic. And
17 Mr. Abu-Libdeh feels much more comfortable having the
18 translator.

19 MR. HEIDEMAN: All I asked him was his name.

20 MR. O'TOOLE: Absolutely. I just wanted to
21 clarify for that.

22 Q. Would you tell the court, please, your
23 address?

24 A. Ramallah, Atira, Palestine.

25 Q. Please tell the court by whom you are

1 employed?

2 A. The Palestinian Authority, Palestinian
3 National Authority.

4 Q. What is your position with the Palestinian
5 National Authority?

6 A. He's the minister of finance.

7 THE WITNESS: (In English.) Economy.

8 (Brief reporter clarification.)

9 INTERPRETER MEISER: "I am the minister of"
10 -- I forgot the terminology.

11 THE WITNESS: (In English.) Minister of
12 national economy.

13 INTERPRETER MEISER: "Minister of national
14 economy."

15 BY MR. HEIDEMAN:

16 Q. What are your responsibilities as the
17 minister of national economy for the Palestinian
18 National Authority?

19 A. (Translated.) I take care of everything
20 that -- on the fine proceedings regarding financial
21 matters as representative of the Palestinian National
22 Authority.

23 THE WITNESS: (In English.) No, no, hold
24 it. This is not the correct translation. I said I am
25 supervising the work of this ministry on behalf of the

1 deputy president of the technical and advisory
2 committees, sir?

3 A. Yes.

4 Q. Could you tell the court what is the
5 technical and advisory committees, because I understand
6 that you worked with a very esteemed professor, Sari
7 Nusseibeh, and if I pronounced it incorrectly, I
8 apologize, but would you tell the court what that is
9 and what work you did?

10 A. The technical and advisory committees is a
11 collection of Palestinian experts who were in charge of
12 providing the technical documentation and position
13 papers for the Madrid and Washington negotiations
14 between Palestine and Israel.

15 Q. Thank you.

16 Were you involved, Dr. Abu-Libdeh, in the
17 negotiations leading to the Oslo Accords?

18 A. Yes.

19 Q. Were you involved in that capacity, through
20 the technical and advisory committee, or in some other
21 capacity?

22 A. In this capacity and as the member of the
23 bilateral negotiating team, negotiating the Madrid-
24 Washington track.

25 Q. Thank you.

1 respectfully but carefully listen to the objection, and
2 that's why I often rephrase to avoid it.

3 A. Thank you.

4 Q. Thank you.

5 So can you please explain, for the time
6 period of 1999 through 2005, whether the Palestinian
7 National Authority was responsible for the negotiations
8 with the State of Israel, or whether those
9 responsibilities were in the authority of the Palestine
10 Liberation Organization?

11 A. Please define the word "negotiations."

12 Q. Communications and discussions about issues
13 relating to governance and other functions within the
14 area of the West Bank and Gaza.

15 A. On issues relating to the exercise of the
16 functions and responsibilities of the PNA in accordance
17 with the Oslo Agreements, all communication with the
18 Israeli side is done by the PA. Other communications
19 relating to the final status and the fate of the
20 Palestinian Territory and the fate of the future
21 relations with Israel, that is the function of the PLO.

22 Q. Thank you very much.

23 Was the Palestinian National Authority ever
24 made accountable to the PLO Executive Committee?

25 A. The PNA being made accountable to the

1 Executive Committee of the PLO?

2 Q. Yes.

3 A. The PNA is accountable in the sense of being
4 committed and obliged to function in harmony and
5 agreement with the political framework or the political
6 platform of the PLO, and the strategic policies
7 viz-a-viz the Palestinian people at large.

8 Q. Thank you.

9 What was the function of the Palestinian
10 Authority at the time of its creation in 1993?

11 A. The Palestinian Authority assumed the
12 responsibility and accepted responsibility in the
13 various spheres of life of the Palestinian people for
14 the interim period, which covered the social, cultural,
15 sports, economics, and other attributes of the
16 Palestinian society.

17 Q. Did the function of the Palestinian
18 National Authority, as you just described it, change at
19 any time prior to March 24, 2002?

20 A. The functions, again, are -- are explicitly
21 stated and listed in the Oslo Agreements, and in
22 accordance with the Basic Law, that is consistent also
23 with the Oslo Agreements.

24 Q. You have referred in one of your recent
25 answers to the PNC, if I heard you right.

1 coordination wasn't functioning, properly functioning.

2 (Exhibit 20 marked.)

3 Q. Let me give you a document identified as
4 Exhibit 20. This document, Exhibit 20, is a previously
5 produced document of Klieman with a Bates number of
6 01247.

7 Thank you very much.

8 You've previously testified that the
9 Palestine Liberation Organization is the sole
10 legitimate representative of the Palestinian people; is
11 that correct?

12 A. Correct.

13 Q. Would you agree that it is superior to the
14 Palestinian National Authority?

15 A. I agree.

16 Q. Would you agree that the PLO was established
17 in 1964 and recognized as the sole and legitimate
18 representative of the Palestinian people at the Arab
19 Rabat summit in October 1974?

20 A. Agreed.

21 Q. And that until his death, the chairman of
22 the Executive Committee was Yasser Arafat; is that
23 correct?

24 A. Yes.

25 Q. Now, the Palestinian National Authority was

1 A. 88.

2 Q. And was there a speaker on March 24 of 2002
3 of the Palestinian Legislative Council?

4 A. Yes.

5 Q. Who was that?

6 A. Abu Ala.

7 Q. What was the relationship as of March 24,
8 2002, between the Palestinian Legislative Council and
9 the Palestinian National Council of the Palestine
10 Liberation Organization?

11 A. The PLO has decided that any Palestinian
12 elected to the seat of Palestinian Legislative Council
13 will, as long as they are members of the Legislative
14 Council, will be automatically admitted to become
15 members of the Palestine National Council.

16 MR. HEIDEMAN: Can you read back the answer,
17 please, Madam Court Reporter.

18 (Last question and answer read.)

19 THE WITNESS: Can you read this again?

20 THE REPORTER: Yes, sir.

21 (Last answer read.)

22 THE WITNESS: No, no. That is Palestinian
23 Legislative Council.

24 MR. HEIDEMAN: Let there be a stipulation
25 that the word "national" in the first part of that

1 answer should be changed to "legislative council."

2 Is that what you intended, sir?

3 THE WITNESS: Correct, yes.

4 MR. HEIDEMAN: Now with that change, can you
5 read back the answer? Is that agreeable?

6 MR. O'TOOLE: We agree.

7 THE REPORTER: Reading back as amended,
8 counsel?

9 MR. HEIDEMAN: That's correct.

10 (Amended answer read.)

11 THE WITNESS: Correct.

12 BY MR. HEIDEMAN:

13 Q. And the Palestinian National Council is a
14 council of the Palestine Liberation Organization; is
15 that correct?

16 A. Correct.

17 Q. On which all the members of the Palestinian
18 Legislative Council of the PNA sit; is that correct?

19 A. As long as they are members of the PLC.

20 Q. Thank you.

21 Is it true that in accordance with the
22 Palestinian Basic Law, the structure of the Palestinian
23 National Authority was divided into three separate
24 branches of power, the executive --

25 A. Excuse me, I can't concentrate with this

1 ministries, and main offices of the Palestinian
2 National Authority as indicated in this Exhibit 21, and
3 were the people serving in the key positions those
4 people listed in this directory, being Exhibit 21, as
5 of that date?

6 A. This is not an official document issued by
7 the PA. This is a commercially-produced document. I
8 hope it is correct to the last letter of it.

9 Q. Thank you, and I appreciate the precision of
10 your answer.

11 Sir, to the best of your knowledge, did the
12 Palestinian National Authority produce its own official
13 document for the time period of 2002, that set forth
14 the structure of the Palestinian National Authority
15 government and ministries, as well as identifying the
16 people who served in those positions, in any directory
17 form or other format?

18 A. I don't recall seeing one single document
19 being characterized as the official account of the
20 various who-is-who in Palestine.

21 Q. The document that's in front of you, as
22 Exhibit 21, and which was produced to us by your
23 counsel, is it a document, although commercially
24 produced, that was generally in use by the Palestinian
25 National Authority during the year 2002, sir?

1 A. This is a document that has earned trust in
2 terms of the comprehensiveness of what it contains, and
3 it has always been used as a valuable reference to the
4 various government or nongovernment institutions.

5 Q. To the best of your knowledge as the
6 designated representative of the Palestinian Authority,
7 is Exhibit 21 that's in front of you an accurate and
8 comprehensive directory relating to the Palestinian
9 National Authority for the year 2002, subject, of
10 course, to any errors that may exist in names or
11 spelling, or even people who might have changed
12 positions?

13 A. Well, subject to some minor errors that may
14 result in typos or people changing positions, or even
15 people or places not listed, I think this is a fairly
16 comprehensive and accurate document.

17 Q. Thank you very much.

18 Let me hand you what will be marked as
19 Exhibit 22.

20 THE WITNESS: Can we have a break for two
21 minutes?

22 MR. HEIDEMAN: Oh, yes. Let's take a break
23 for five minutes.

24 (Recess taken from 2:59 to 3:09 p.m.)

25 (Exhibit 22 marked.)

1 of any kind or nature created by anyone on behalf of
2 the Palestinian National Authority, relating to the
3 al-Aqsa Martyrs' Brigades?

4 A. I haven't seen any.

5 Q. Thank you.

6 Among the various capacities that Yasser
7 Arafat held, could you please tell the court, as the
8 official designee of the Palestinian National
9 Authority, whether or not he was the commander-in-chief
10 of the Palestinian security forces?

11 A. This is a correct statement.

12 Q. Sir, what knowledge, if any, do you, on
13 behalf of the Palestinian National Authority, have
14 relating to the arrest, charging, conviction, and/or
15 imprisonment of those persons charged with and
16 presently incarcerated in the Israel Prison Services,
17 having been charged with killing, on March 24, 2002,
18 Esther Klieman?

19 A. I have known about the details of this case
20 from the review of the documents that were presented to
21 me in preparation for this.

22 Q. What is known to you as the designee of the
23 Palestinian National Authority, and therefore on behalf
24 of all of the Palestinian National Authority, please
25 tell the court what is known to the Palestinian

1 Q. And was that part of the reforms in the
2 summer of 2002?

3 A. True.

4 Q. Prior to that time, sir, please tell the
5 court as the designated representative of the PA
6 whether or not money was spent not from a single
7 treasury account, but rather from multiple accounts
8 handled by multiple people in multiple ministries?

9 MR. O'TOOLE: Again, objection as to outside
10 the scope. The designee was presented on those issues
11 yesterday.

12 Q. You may answer.

13 A. I don't have anything to add.

14 Q. I couldn't hear the answer.

15 A. I -- I don't have anything to add.

16 Q. Thank you.

17 So the unification of accounts into the
18 single treasury account of the PA, if I understand your
19 last answer, occurred pursuant to the reforms in the
20 summer of 2002; is that correct?

21 A. Yes.

22 Q. Thank you.

23 Did anyone on behalf of the Palestinian
24 National Authority, and I ask you as its designee, have
25 any oversight over monies distributed by the

1 Palestinian Authority to Fatah?

2 MR. O'TOOLE: Again, outside the scope.
3 There was a designee yesterday on this topic.

4 Q. You may answer to the extent you know.

5 A. The unification of these accounts resulted
6 in moving the responsibility of disbursing the
7 allocations to the political parties, from the PLO to
8 the PNA. So the PNA, out of its own revenues, has
9 allocated -- is allocating on an annual basis a line in
10 the budget for the PLO, where the PLO decides what
11 parts of that line go to which party, on the basis of
12 the internal relationships within the PLO.

13 Q. Yes, thank you. Let me drill down to a
14 precise question.

15 As the designee of the Palestinian National
16 Authority, can you tell the court whether or not anyone
17 on behalf of the Palestinian National Authority was a
18 representative of the government to Fatah?

19 A. There was no need for this to happen,
20 because the PNA and Fatah didn't have direct
21 administrative or management relations.

22 Q. Was there anyone on behalf of the PA who
23 oversaw any of the activities of Fatah in order to
24 measure what it was doing with the money that it
25 received from the budget of the Palestinian National